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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,192	03/26/2004	Didier Communi	9409/2113C	1787

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EXAMINER

HAMA, JOANNE

ART UNIT PAPER NUMBER

1632

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/811,192		COMMUNI ET AL.	
	Examiner		Art Unit	
	Joanne Hama, Ph.D.		1632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



This Application, filed March 26, 2004, is a DIV of 10/753,695, filed January 8, 2004, which is a DIV of 09/077,173, filed November 12, 1998, now U.S. Patent 6,790,626, and claims priority to PCT/BE96/00123, filed November 21, 1996 and 95870124.5, filed November 21 1995, in the European Patent Office.

Claims 1-18 are pending.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, drawn to a transgenic non-human mammal whose genome comprises a nucleic acid construct comprising a DNA sequence encoding a receptor which binds nucleotides, wherein the receptor comprises the amino acid sequence of SEQ ID NO. 2, classified in class 800, subclass 14.
- II. Claims 12-16, drawn to a transgenic non-human mammal whose genome comprises a nucleic acid construct comprising an antisense nucleic acid molecule complementary to a nucleic acid molecule encoding a receptor, wherein said receptor comprises the amino acid sequence of SEQ ID NO. 2, and wherein upon transcription of the antisense nucleic acid, the antisense nucleic acid hybridizes to the mRNA encoding said receptor and reduces the translation of said mRNA, classified in class 800, subclass 14.
- III. Claims 17-18, drawn to a transgenic non-human mammal comprising a disruption in the endogenous P2Y4 receptor gene, wherein said disruption has been introduced into its genome by homologous recombination with a

DNA targeting construct in an embryonic stem cell, wherein disruption of the P2Y4 receptor gene results in the inability of the mouse to produce detectable levels of the P2Y4 receptor, classified in class 800, subclass 14.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-III are patentably distinct. While each of the inventions is drawn to transgenic non-human mammals, each of the mammals are structurally different from each other. The mammal of Invention I is an mammal that overexpresses P2Y4, wherein the overexpression construct is stably integrated in its genome, the mammal of Invention II is a mammal that overexpresses an antisense against the nucleic acid sequence encoding P2Y4, wherein the overexpression construct is stably integrated in its genome, and the mammal of Invention III is a mammal comprising a gene disruption in its endogenous P2Y4 gene in its genome. Introduction of each of the transgene construct into the non-human mammal results in different transgenic mammals. The searches conducted for each of these mammals is burdensome because the search for each of these mammals is not coextensive.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their divergent subject matter and the search for one Invention is not required for the search of another, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Hama, Ph.D. whose telephone number is 571-272-2911. The examiner can normally be reached Monday through Thursday and alternate Fridays from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, Ph.D. can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

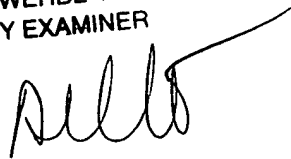
Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight

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JH

ANNE M. WEHBE' PH.D
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Anne M. Wehbe', with a long horizontal line extending from the end of the signature.